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COMMISSIONER

**STATE OF HAWAII**  
**PUBLIC UTILITIES COMMISSION**  
**DEPARTMENT OF BUDGET AND FINANCE**  
465 S. KING STREET, #103  
HONOLULU, HAWAII 96813

Telephone: (808) 586-2020  
Facsimile: (808) 586-2066

e-mail: Hawaii.PUC@hawaii.gov

June 26, 2006

Marlene H. Dortch  
Office of the Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW, Room TW-B204  
Washington, DC 20554

Re: CG Docket 03-123; Consumer Complaint Log Summary Concerning  
Telecommunications Relay Services ("TRS") for the Period June 1, 2005 to  
May 31, 2006

Dear Ms. Dortch:

In accordance with 47 C.F.R. Section 64.604(c)(1), the State of Hawaii Public Utilities Commission ("PUC") hereby transmits the original and four (4) copies of its TRS Consumer Complaint Log Summary ("Summary") for the 12-month period ending May 31, 2006. An electronic copy of the Summary is also provided on the enclosed 3.5 inch diskette.

Consistent with the Federal Communications Commission's ("FCC") Public Notice (DA 06-1175, released May 31, 2006), the Summary includes the number of complaints received that allege a violation of the federal TRS mandatory minimum standards, the date of the complaint, the nature of the complaint, the date of its resolution and an explanation of the resolution. During the period of June 1, 2005 through May 31, 2006, a total of 22 complaints were logged regarding the provision of TRS in Hawaii.

The total number of interstate relay calls by type of TRS, which the FCC also requested in its Public Notice, will be submitted separately by Sprint, Hawaii's current TRS provider. It is our understanding that Sprint will provide this information to the FCC under seal since it considers call volume information to be proprietary and confidential.

Marlene H. Dortch  
June 26, 2006  
Page 2

If you have any questions on this matter, please do not hesitate to contact Lisa Kikuta at [lisa.y.kikuta@hawaii.gov](mailto:lisa.y.kikuta@hawaii.gov) or (808) 586-2020.

Sincerely,

*Michelle S.U.M. Kau*

Michelle S. U. M. Kau  
Acting Administrative Director

MK:LYK:eh

Enclosures

c: Pam Gregory, Federal Communications Commission (w/o diskette)  
Chameen Stratton, Sprint Relay Hawaii (w/o enc.)

FILED

2006 JUN 19 A 11:30

PUBLIC UTILITIES  
COMMISSION

# FCC Summary Log For Hawaii Relay Service June 1, 2005 to May 31, 2006

## Sprint

The Total Number of Complaints for this reporting period is 22.  
Complaints are followed up and resolved in a timely manner.

Date of Complaint	Nature of Complaint	Date of Resolution	Explanation of Resolution
01/17/06	The customer stated that when the caller places a call to her at her home residence, she always get "unknown" on her caller's id and would appreciate if either caller's phone number or relay number appears on her caller's ID. Apologize for the inconvenience and assured her that she will be follow up by Sprint Acct manager on this issue and/or resolution. She would like to be contact at the number given. Notified Sprint Acct Manager.	01/17/06	Contacted customer via itty and explained problem and advised customer to use her customer database profile to resolve for caller id. Provided my email address to contact me if she has further questions about this matter.
02/10/06	Technical - General	02/10/06	Technical problem identified. Resolution believed to be the solution in progress.
04/01/06	A Hawaii ITT customer stated that the operator was relaying the message, but did not complete it and hung up. The customer called back to put in a complaint at 1216a on 4/1/06. But the customer did confirm that he did redial relay right after being disconnected. Follow up requested.	04/01/06	A team leader met with CA on 4/2/06 and stressed to be very careful and not to disconnect calls.
05/19/06	ITT customer says they gave the agent a number to dial and the agent did not dial the number but disconnected the call. Apologized. No follow-up requested.	05/19/06	Went over proper procedures with agent.
06/17/05	DTMF Tone interference	06/17/05	Tech Support addressed DTMF tone pass through. Confirmed all is well after this adjustment.
07/06/05	Accuracy of captions	07/07/05	Apologized for this incidence. Asked customer to document the date "time" and CA # when captions are inaccurate so we can further investigate.
07/06/05	Disconnect/Reconnect during calls	07/07/05	Explained the phenomenon of disconnect/reconnect "how it occurs" and the causes of disconnect/reconnect.
07/07/05	Customer is part of Deal outreach for relay and has stated that several people from the Deal Community is complaining that when they are put on hold, they do not get a message such as "please hold for the next available operator". There is nothing to indicate that they have been connected so often times they think something is wrong and are unable to get through to relay. Customer is requesting that a message be sent to all TTYS indicating that they are on hold. Customer wanted to reiterate that they are not complaining about being put on hold but rather that they do not know that they are on hold and would like to be kept informed. Follow up requested.	09/06/05	I spoke to customer and informed him that the matter would be forwarded to appropriate personnel and that someone would be contacting him in regards to this matter. Account Manager contacted customer on several occasions. Customer was dialing out of date numbers that were used by the previous relay provider (ex: "1-711"). I asked him to use the new numbers and to document date and time of any failure to connect. Those contacts were made in July and August. As of 09/19/2005 current Sprint Relay Hawaii direct numbers and/or 711.
07/20/05	Voice user unable to connect to CapTel Service Number	07/22/05	Gathered information regarding customer's experience and forwarded to technical support for further investigation. Tech support identified cause and resolution.
07/20/05	Accuracy of captions	07/22/05	Gathered information regarding the call from the customer. Apologized for this incidence. Shared incidence with Call Center Management for follow up with the CA. Incidence occurred in the last 2 sentences of the call.
08/17/05	Disconnect/Reconnect during calls	08/17/05	Ultimate technicians are coordinating test calls and further troubleshooting with local tech support at customer's location.

09/30/05	System Message: Ticket has been opened by customer for appending, but no text has been entered. Subticket closed by system. Complaint: Caller stated agent hung up on him. Caller also said he was on hold with the outboard for a while when the agent asked "do you want to continue to hold?" Apologized for the incidents. Follow up requested to James Souza (808) 775-0444.				
09/30/05	Caller stated agent hung up on him. He also complained about the long hold waiting to connect to relay. Apologized for the incident. No Follow up requested.				
10/06/05	Technical Complaint: Voice caller complained that when people call her cell phone number (808) 281-0483 they get a relay operator. The Sprint Tech checked into it and was informed by Verizon that the cell number was forwarded to relay. Caller will check with Verizon. Follow up requested to customer.				
10/18/05	A HI VCO customer states when they attempt to contact relay the line will ring and then hang up. It generally takes 4 or 5 times before this customer can get connected to a relay operator. The customer also states that on some occasions during phone conversations the line will disconnect. RCS apologized to this customer and turned in TT #593339. Follow up requested.				
10/21/05	The customer stated that he placed the call at 1203 pm and was not pleased with the professionalism conducted by agent 1389. The voice person stated that the agent "sighed" several times immediately after "the messages was garbled" was relayed. At one point the agent spelled out the garbled word back to the voice person prompting her asking the agent if she was being sarcastic. Voice person stated that she has never met any agent unprofessional as this agent. Apologized to the customer for the inconvenience this may have caused and assured her that agent will be follow up. No follow up necessary.				
10/21/05	The agent stated that she may have sighed a few times during the call and was coached on this particular issue. As for the spelling of the garbled words. Agent clarified that after the "message was garbled" was relayed, the voice person asked the agent "what did it say q" to which the agent spelled it out for the voice person.				
10/18/05	The agent stated that she may have sighed a few times during the call and was coached on this particular issue. As for the spelling of the garbled words. Agent clarified that after the "message was garbled" was relayed, the voice person asked the agent "what did it say q" to which the agent spelled it out for the voice person.				
10/18/05	Tested call center VCO line calls and calls went through. The center is receiving VCO calls without any problems also. Referred the problem to Ahi and Ahi contacted the user and worked with her to review and resolved.				
10/07/05	Followed up with customer on other customer contact duplication.				
10/04/05	Discussed with operator and went over proper procedures.				
10/03/05	No information in Problem section of contact. Assigned back to HI center for more information.				
	Agents are trained that it is acceptable to periodically check with the customer to see if they want to continue to hold as the VCO customer has no way of interrupting the agent while holding. There is no way for agent 3003 to remember a call from 9/30/05 in regards to the customer saying the agent hung up on them. This agent has an excellent history.				
09/30/05	Caller stated agent hung up on him. He also complained about the long hold waiting to connect to relay. Apologized for the incident. No Follow up requested.				
10/06/05	Technical Complaint: Voice caller complained that when people call her cell phone number (808) 281-0483 they get a relay operator. The Sprint Tech checked into it and was informed by Verizon that the cell number was forwarded to relay. Caller will check with Verizon. Follow up requested to customer.				
10/18/05	A HI VCO customer states when they attempt to contact relay the line will ring and then hang up. It generally takes 4 or 5 times before this customer can get connected to a relay operator. The customer also states that on some occasions during phone conversations the line will disconnect. RCS apologized to this customer and turned in TT #593339. Follow up requested.				
10/21/05	The customer stated that he placed the call at 1203 pm and was not pleased with the professionalism conducted by agent 1389. The voice person stated that the agent "sighed" several times immediately after "the messages was garbled" was relayed. At one point the agent spelled out the garbled word back to the voice person prompting her asking the agent if she was being sarcastic. Voice person stated that she has never met any agent unprofessional as this agent. Apologized to the customer for the inconvenience this may have caused and assured her that agent will be follow up. No follow up necessary.				
10/21/05	The agent stated that she may have sighed a few times during the call and was coached on this particular issue. As for the spelling of the garbled words. Agent clarified that after the "message was garbled" was relayed, the voice person asked the agent "what did it say q" to which the agent spelled it out for the voice person.				
10/21/05	Resolution: Discussed with operator, went over proper procedures as well. Follow up letter sent to customer on 10/24/05.				
10/21/05	Customer was upset saying the CA would not pay attention to him when he hit his space bar to interrupt CA's typing. VCO customer said he was told to do this by several supervisors if he wanted to interrupt. He has used relay many times and has had this problem a lot. His suggestion is that a memo be sent to all centers. He would like a follow up letter. Apologized to customer and assured him a letter will be sent by the appropriate supervisor.				
10/30/05	Operator hung up on caller. Thanked caller. No F/U needed.				
10/30/05	Operator stated inbound caller had hung up and had not disconnected call. Reviewed proper procedures with agent.				
11/16/05	Disconnect/Reconnect during calls				
11/16/05	Sent customer information explaining the difference between a CapTel phone and a traditional phone. Explained to customer why disconnect/reconnection might be occurring and sent email with tips to reduce their occurrence.				
12/02/05	already informed customer 11/16/06. Ticket number could be error due to lack of information on ticket number				
12/02/05	12/02/05				
12/03/05	Disconnect/Reconnect during calls				
12/03/05	Apologized for incidence and sent customer information explaining the difference between a CapTel phone and a traditional phone. Explained to customer why disconnect/reconnection might be occurring and sent email with tips to reduce their occurrence.				
12/09/05	CapTions - dropped characters/garbled text				
12/09/05	Advised customer to contact telephone company to ensure functional line and possibly upgrade line quality. Advised customer to relocate CapTel phone to another AC electrical adapter/wall jack. Advised customer to test CapTel phone on another phone line. L				

LINDA LINGLE  
GOVERNOR



CARLITO P. CALIBOSO  
CHAIRMAN

JOHN E. COLE  
COMMISSIONER

Telephone: (808) 586-2020  
Facsimile: (808) 586-2066

**STATE OF HAWAII**  
**PUBLIC UTILITIES COMMISSION**  
**DEPARTMENT OF BUDGET AND FINANCE**  
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HONOLULU, HAWAII 96813

e-mail: [Hawaii.PUC@hawaii.gov](mailto:Hawaii.PUC@hawaii.gov)

June 26, 2007

Marlene H. Dortch  
Office of the Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW, Room TW-B204  
Washington, DC 20554

Re: CG Docket 03-123; Consumer Complaint Log Summary Concerning  
Telecommunications Relay Services ("TRS") for the Period June 1, 2006 to  
May 31, 2007

Dear Ms. Dortch:

In accordance with 47 C.F.R. Section 64.604(c)(1), the State of Hawaii Public Utilities Commission ("PUC") hereby transmits the original and four (4) copies of its TRS Consumer Complaint Log Summary ("Summary") for the 12-month period ending May 31, 2007. An electronic copy of the Summary is also provided on the enclosed CD-ROM.

Consistent with the Federal Communications Commission's ("FCC") Public Notice (DA 07-2762, released June 22, 2007), the Summary includes the number of complaints received that allege a violation of the federal TRS mandatory minimum standards, the date of the complaint, the nature of the complaint, the date of its resolution and an explanation of the resolution. During the period of June 1, 2006 through May 31, 2007, a total of eleven (11) complaints were logged regarding the provision of TRS in Hawaii.

The total number of interstate relay calls by type of TRS, which the FCC also requested in its Public Notice, will be submitted separately by Sprint, Hawaii's current TRS provider. It is our understanding that Sprint will provide this information to the FCC under seal since it considers call volume information to be proprietary and confidential.

Marlene H. Dortch  
June 26, 2007  
Page 2

If you have any questions on this matter, please do not hesitate to contact Lisa Kikuta at [lisa.y.kikuta@hawaii.gov](mailto:lisa.y.kikuta@hawaii.gov) or (808) 586-2020.

Sincerely,

A handwritten signature in black ink that reads "Brooke K. Kane". The signature is written in a cursive, flowing style.

Brooke K. Kane  
Administrative Director

BKK:LYK:eh

Enclosures

c: Arlene Alexander, Federal Communications Commission (w/o CD-ROM)  
LisaAnn Tom, Sprint Relay Hawaii (w/o enc.)

## Complaint Tracking for HI (06/01/2006-0

/2007). Total Customer Contacts: 11

int	Nature of Complaint	Date of Resolution	Explanation of Resolution
	Customer stated that her voice cannot be heard when making Hawaii relay calls. People tell her that her voice fades in and out on the call and can barely be heard. Customer says this has been a problem for over two years. Island Skills people and account manager have been working with her equipment and have decided it is a relay issue. Internal Update Performed	Resolution is pending and will be completed within the required 180 days.	Apologized for the problem and said that a complaint would be sent in. Ticket turned in. Customer would like a call back. On 4/28/07, e-mailed customer to inform that technicians were working on the platform for VCO RPM will let the customer know when it is fixed.
	TTY customer said the CA dialed out the number before he gave the GA. He also said he had garbling on a previous call. Customer requested follow up by phone	04/25/07	Apologized and told the customer a supervisor would follow up with the Supervisor on duty followed up with CA, who said that as the "GA" came pressed the COMP and then the TTY user erased the GA to continue typing to contact the customer on three different attempts and was unable to reach by phone.
	TTY customer was unhappy because the outbound person wouldn't hang up when the call was over and agents do something wrong on an ongoing basis. He mentioned he is a member of the Sprint Advisory Board HI.	04/22/07	Customer was informed that the agent voiced correctly GA SK as "Go A person is ready to hang up." It is then the choice of the outbound person to hang up, and that SK or SKSK is voiced as "The person is ready to hang up." agent receives indication that the inbound caller has disconnected or as hang up, the agent voices, "The person hung up." Sometimes the outbound person thinks its impolite to hang up first. Also some call centers are not to hang up until the caller hangs up first. The caller thanked me but said bring this up for discussion at the advisory meeting. He requested that it be forwarded to the Account Manager, but did not request follow up.
	Customer said agent hung up on her before she could ask for another call.	03/22/07	Apologized for inconvenience. Supervisor went over proper disconnecting procedures with operator.
	VCO customer continued to complain that the people that she calls can hear her fine sometimes, and not at all at other times. Has filed complaints in the past and heard that the issue was going to be fixed, but is still having problems and would to find out when this issue will be resolved	02/16/07	Apologized to customer and assured her that the issue is being worked Customer still requested follow up from account manager. The Account contacted the customer and matter was resolved.
	VCO customer complained people cannot hear her on calls. She uses relay on a daily basis and sometimes has had to hold for hours. She has many complaints against the system, not the operators. Speaking on behalf of many VCO users, she wants results. This is the third complaint filed and no one has returned her call. Follow up requested.	01/24/07	Account Manager met with customer and developed resolutions. The customer was satisfied.
	VCO customer's sister, who is hearing and uses relay everyday, was not able to hear her at all. This problem never happened before until now. Operator was able to hear both VCO and voice just fine. Follow up requested with VCO customer.	01/15/07	Account Manager had a meeting with VCO customer and apologized for Customer's frustration. Worked on a few solutions and agreed to change handset. Tested calls and the customer was satisfied.
	Customer has had problems from day one with VCO phone connections with relay, going back for years, and stated that it has gotten worse. She got new phones and even contacted her local phone company, but the conclusion is that it is a relay issue. The problem is that the people that she calls cannot hear what she says, and she ends up having to hang up. This also sometimes happens with operators. In addition, during the evenings, she has problems connecting to an operator and sometimes the call is immediately disconnected. Requested follow up. Internal Update Performed.	01/15/07	Account Manager met with VCO customer and worked on the resolution VCO customer tested calls and was satisfied.

10/11/06	Customer stated that operator took a while dialing out the call. Operator also asked caller if he still wanted to wait after phone rang a couple times.	10/11/06	Apologized to caller, no follow up requested. Account Manager will follow up with the supervisor at call center for resolution. Supervisor went over proper call procedures with operator.
07/26/06	Customer tried calling relay but it was busy. He complained that the Sprint Account Manager for Hawaii promised the wait would only be a few seconds, which didn't happen. Apologized to the customer, who did not request a follow up.	07/26/06	We experienced additional call volume during this time frame. We continue to monitor answer time and will make adjustments as needed.
07/11/06	Technical - General	07/11/06	Apologized for incidence, thanked customer for the feedback and informed them that information would be shared with appropriate captioning service staff.





## Appendix U

Copy of RFS

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

----- In the Matter of ----- )  
PUBLIC UTILITIES COMMISSION )  
Instituting an Investigation )  
Into the Availability of )  
Experienced Providers of )  
Quality Telecommunications )  
Relay Services, Pursuant to )  
Section 16.6, Hawaii Revised )  
Statutes. )  
\_\_\_\_\_ )

DOCKET NO. 03-0058

ORDER NO. 20111

Filed April 4, 2003  
At 4:00 o'clock P.M.

Karen Higbee.  
Chief Clerk of the Commission

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

----- In the Matter of ----- )  
 )  
PUBLIC UTILITIES COMMISSION )  
 )  
Instituting an Investigation )  
Into the Availability of )  
Experienced Providers of )  
Quality Telecommunications )  
Relay Services, Pursuant to )  
Section 16.6, Hawaii Revised )  
Statutes. )  
\_\_\_\_\_ )

Docket No. 03-0058

Order No. 20111

ORDER

I.

By Order No. 20067, filed on March 7, 2003, the commission initiated an investigation into the availability of experienced providers of quality telecommunications relay services (TRS), pursuant to Hawaii Revised Statutes (HRS) § 269-16.6 and Hawaii Administrative Rules (HAR) § 6-61-71. By that same order, the Division of Consumer Advocacy of the Department of Commerce and Consumer Affairs (Consumer Advocate) and Verizon Hawaii Inc. (Verizon) were made parties to this proceeding to assist the commission in among other things, ensuring uninterrupted provision of relay services for the deaf, hearing-impaired, and speech-impaired.<sup>1</sup>

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<sup>1</sup>By Protective Order No. 20084, filed on March 13, 2003, the commission approved the stipulated protective order submitted by the Consumer Advocate and Verizon.

On March 10, 2003, the commission submitted letters to the parties and prospective service providers<sup>2</sup> seeking comments on the commission's draft request for services (RFS) prior to finalizing, adopting and issuing a final RFS.

On March 27, 2003, Sprint Communications Co., LP and Verizon filed their comments to the draft RFS in response to the March 10, 2003 letter.

On March 31, 2003, Hamilton Relay Services submitted its comments to the draft RFS in response to the March 10, 2003 letter.

On April 1, 2003, the State of Hawaii Disability and Communication Access Board (DCAB) submitted its comments to the draft RFS.<sup>3</sup>

## II.

HRS § 269-16.6 requires the commission to investigate the availability of experienced providers of quality TRS and select the best qualified provider of such services. Accordingly, in light of Verizon's February 24, 2003 notice to terminate its TRS service in Hawaii in July, 2003, and pursuant

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<sup>2</sup>The prospective service providers included the following: Vista Information Technologies; SBC Southwest; CSD; MCI Global Relay; Hamilton Relay Service; AT&T; and Sprint Communications Co., LP.

<sup>3</sup>On March 13, 2003, we also submitted a copy of Order No. 20067 and the March 10, 2003 draft RFS to DCAB. Pursuant to HRS § 348F-3, DCAB, among other duties and functions, serves "as a public advocate of persons with disabilities by providing advise and recommendations and matters relating to access for persons with disabilities."

to HRS § 269-16.6 and HAR § 6-61-71, the commission instituted an investigation into the availability of experienced providers of quality TRS. As part of our investigation, we solicited comments from the parties in this docket and prospective service providers to assist us in developing a final RFS that would ensure the uninterrupted provision of relay services for the deaf, hearing-impaired, and speech-impaired in the State of Hawaii in accordance with minimum standards for TRS specified by the Federal Communications Commission, and the intent and implementation guidelines of Title IV of the American with Disabilities Act of 1990, Pub. L. 101-336, 104 Stat. 327, 366-369 (1990).

Upon consideration of all of the comments submitted to the commission relating to its draft RFS, the commission finds that some of these comments should be incorporated by reference.<sup>4</sup> We, thus, conclude that the final RFS, attached hereto as Exhibit A, should be adopted and made part of this order.

The commission also finds it is necessary to have the Consumer Advocate assist the evaluation committee established by the final RFS in evaluating the merits of the applicable proposals. Accordingly, we also conclude that the Consumer Advocate should designate a representative to be a member of the commission's evaluation committee. The name of the

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<sup>4</sup>The parties should note that in fashioning the final RFS, the commission took into account the comments submitted by all parties, prospective service providers and DCAB. While not all comments were incorporated into the final RFS, the essence of the issues raised by each commenter were considered and deemed very helpful for us in finalizing the RFS.

representative shall be submitted by letter to the commission by April 23, 2003.

III.

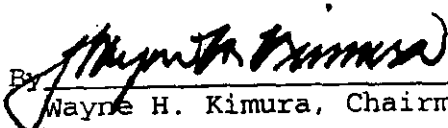
THE COMMISSION ORDERS:

1. The final RFS, attached hereto as Exhibit A, shall be adopted and made part of this order. Unless ordered otherwise, the schedule set forth in the final RFS shall control the instant proceedings.

2. The Consumer Advocate shall designate a representative to be a member of the evaluation committee. The name of the representative shall be submitted by letter to the commission by April 23, 2003.

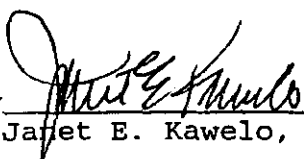
DONE at Honolulu, Hawaii this 4th day of April, 2003.


PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

By   
Wayne H. Kimura, Chairman

APPROVED AS TO FORM:

  
Kevin M. Katsura  
Commission Counsel

By   
Janet E. Kawelo, Commissioner

By   
Gregg J. Kinkley, Commissioner

03-0056.ah

SPECIFICATIONS AND INSTRUCTIONS FOR  
SUBMISSION OF PROPOSALS TO PROVIDE TELECOMMUNICATIONS RELAY  
SERVICES  
FOR THE STATE OF HAWAII (RFS)  
April 4, 2003  
Docket No. 03-0058

EXHIBIT "A"

## **SECTION 1: INTRODUCTION**

### **1.1 Table of Contents**

- Section 1 - Introduction
- Section 2 - Supplemental Solicitation Instructions
- Section 3 - Background, Overview and Requirements
- Section 4 - Statement of Work
- Section 5 - Service Provider Response Format
- Section 6 - Proposal Instructions, Evaluation and Award

**1.2 Scope of Work.** The purpose of this Request for Services (RFS) is to solicit proposals for providing telecommunications relay services (TRS) for calls originating in the State of Hawaii. Evaluation and award will be based on the following factors: (1) technical merit of the proposal; (2) price; and (3) management capability.

**1.3 Duration of Services.** TRS shall be provided under an order issued by the Hawaii Public Utilities Commission (Commission). The order shall specify the commencement date, and the services that shall be provided for a period of three years, with the provision for the Commission at its discretion to continue the service for 2 additional years.

**1.4 Number of Awards.** The Commission will select one service provider as a result of this RFS.

**1.5 RFS Cancellation.** The Commission reserves the right to cancel this entire RFS or individual phases at any time, without penalty.

## **SECTION 2: SUPPLEMENTAL SOLICITATION INSTRUCTIONS**

**2.1 Official Means of Communication.** During the solicitation process for this RFS, all official communications with service providers will be by mail. All communications and inquiries concerning this RFS should be addressed to: Hawaii Public Utilities Commission, 465 South King Street, Room #103, Honolulu, Hawaii 96813.

### **2.2 Supplemental Solicitation Instructions.**

- 2.2.1 Issuing Office.** This RFS is issued by the Commission. The Commission is the sole point of contact concerning this RFS.



#### **2.2.2 Schedule of Activities**

1. RFS Available to Prospective Bidders on April 7, 2003.
2. Proposal Submission Deadline Submit 1 Original and 9 copies of the Proposal and 1 electronic Format on Diskette is April 23, 2003, 4:30 p.m. Hawaii time.
3. Selection of TRS Provider on April 30, 2003.
4. Service Period is July 1, 2003 - June 30, 2006.
5. The Service May Be Continued For 2 Additional Years, At The Sole Discretion Of The Commission.

**2.3 News Release.** News releases pertaining to this RFS shall NOT be made prior to the filing of a final order without prior approval by the Commission.

**2.4 Proposal Submission/Copies.** Detailed instructions on proposal preparation and submission are set forth in section 5. It is the responsibility of the service provider to ensure that the Commission receives the proposal on or before the proposal submission deadline, regardless of the delivery method used.

**2.5 Proprietary/Confidential Information.** Except for the evaluation committee established by this RFS, the contents of any proposal submitted to the Commission in response to this RFS shall be kept confidential and under protective seal, and shall not be distributed in any case to parties in Docket No. 03-0058 or service providers who are participating in the RFS process until after the Commission's selection is made or the aforesaid docket is closed, whichever occurs first. Because parties in Docket No. 03-0058 and service providers responding to the RFS may be required to disseminate additional proprietary or other confidential information, subsequent to the submission of the proposals, the information may, upon the parties' or service providers' written request, be subject to a protective order approved and issued by the Commission, pursuant to Section 6-61-50, Hawaii Administrative Rules, in Docket No. 03-0058.

**2.6 RFS Response Material Ownership.** All proposals submitted in response to this RFS becomes the property of the Commission. Subject to the limitations outlined in section 2.5 above, any person may renew and obtain copies of such proposals after the final order has been issued. The Commission has the right to use any or all information/material presented in reply to the RFS, subject to limitations outlined in section 2.5 above.

**2.7 Acceptance of Proposal Content.** The content of the proposal and the terms of this RFS will become binding on the selected service provider.

**2.8 Selection of Successful Proposal and Notice of Intent to Award.** The Commission reserves the right to make an award on receipt of initial proposals, so service providers are encouraged to submit their most favorable proposal at the time established for receipt of proposals. Service providers not meeting the requirements identified in the RFS shall be ineligible for further consideration. The Commission may conduct discussions with service providers in the competitive range in order to promote understanding of the Commission's requirements and the service provider's proposal, clarify requirements and make adjustments in price or services to be performed. Changes to proposals, if permitted, will be requested in writing from service providers.

**2.9 Factors Considered in Evaluation.** In selecting a service provider, the following factors will be considered: (1) technical merit of the proposal; (2) price; and (3) management capability. All service providers must meet the minimum requirements established by this RFS to be eligible for award.

**2.10 Parent Company.** If a service provider is owned or controlled by a parent company, the name, main office address and parent company's tax identification number shall be provided in the proposal.

**2.11 Certification of Independent Price Determination**

**2.11.1** By submission of this proposal, each service provider (and in the case of a joint proposal, each party thereto) certifies that in connection with this RFS:

- a) The prices in this proposal have been arrived at independently, without consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other bidding service provider or with any competitor.
- b) Unless otherwise required by law, the prices which have been quoted in this proposal have not been knowingly disclosed by the service provider and will not knowingly be disclosed by the service provider prior to opening,

directly or indirectly, to any other bidding service provider or to any competitor; and

- c) No attempt has been made or will be made by the service provider to induce any other person or firm to submit or not to submit a proposal for the purpose of restricting competition.

2.11.2 By submission of this proposal, each service provider (and in the case of a joint proposal, each party thereto) certifies that:

- a) He/She is the person in the service provider's organization responsible within that organization for the decision as to the prices being offered herein and that he/she has not participated, and will not participate, in any action contrary to 2.11.1(a) through 2.11.1(c); or
- b) He/She is not the person in the service provider's organization responsible within that organization for the decision as to the prices being offered herein, but that he/she has been authorized in writing to act as agent for the person(s) responsible for such decision in certifying that such persons have not participated, and will not participate, in any action contrary to (1)(a) through (1)(c) above, and as their agent does hereby so certify; and he/she has not participated, and will not participate, in any action contrary to (1)(a) through (1)(c) above.

**2.12 Terms and Conditions.** The Terms and Conditions included in this RFS.

**2.12.1. Legislative and Regulated Changes.** The Commission reserves the right to amend the terms of TRS in response to legislative changes and regulated changes imposed by the Federal Communications Commission that affect this RFS.

**2.12.2. Audit, Inspection of Records, and Monitoring.** The selected service provider must permit the State, Federal Government, or any other duly authorized agent of a governmental agency to audit, inspect, examine, excerpt, copy and/or transcribe service provider's records to evaluate

the service provider's performance and compliance with the Commission's order. The service provider shall also permit these same described entities to monitor all activities conducted by the service provider pursuant to the terms of the final order.

**2.12.3 Order of Precedence.** In the event of any conflict or inconsistency between terms of this RFS and the proposal, such conflict or inconsistency shall be resolved first by giving effect to the terms and conditions of the Final Order, second to the RFS, and third, to the proposal.

**2.12.4 Venue.** The venue for any litigation related to performance of TRS shall be in the State of Hawaii.

**2.13 Service Provider Proposed Terms and Conditions.** Except as specified therein, the submission of the service provider's proposal will indicate acceptance of the terms and conditions herein. Service providers must disclose in their proposals terms and conditions or required clarifications of terms and conditions consistent with these instructions. The Commission reserves the right to clarify terms and conditions not having an appreciable effect on quality, price/cost, risk or delivery schedule during post-award formalization of the Final Order.

### **Section 3: BACKGROUND, OVERVIEW AND REQUIREMENTS**

**3.1 Background.** As a result of Act 207, 1988 Session Laws of Hawaii, which required a program to achieve a telephone relay service, and the Commission's Decision and Order No. 10263, filed on June 29, 1989 in Docket No. 6440, Verizon Hawaii Inc. (fka GTE Hawaiian Telephone Company Inc.) began providing TRS on July 1, 1989 at a surcharge of \$0.12 per access line per month. Two years later in accordance with Act 295, 1989 Session Laws of Hawaii, the Commission issued Order No. 11645, filed on June 1, 1992 in Docket No. 7320, which initiated an investigation into the availability of experienced providers of TRS and released a request for proposal entitled Specifications and Instructions for Submission of a Proposal to Provide Telecommunications Relay Services for the State of Hawaii. On August 31, 1992, the Commission issued Order No. 11764, allowing Verizon Hawaii Inc. to provide TRS at a monthly surcharge of \$0.07 per subscriber access line per month. On January 30, 2002, the Commission issued Order No. 19164, in Docket No. 02-0027, allowing Verizon Hawaii Inc. to raise the surcharge to \$0.17.

**3.2 Overview.** The Commission is empowered to select a TRS provider. The purpose of this RFS is to select a TRS provider for a period of three years beginning July 1, 2003, with the provision for the Commission having the discretion to continue the service for 2 additional years beyond the initial three-year period. The source of revenue for the service will be one of two methods: 1) a surcharge upon each telephone subscriber line provided by every telecommunications carrier in Hawaii or 2) a percentage surcharge upon the revenues of every telecommunications provider in Hawaii; however, adoption of a revenue-based surcharge is contingent upon passage of legislation in Hawaii in the 2003 legislative session.

Currently, TRS is funded by a surcharge on each telephone subscriber line by each local exchange carrier in Hawaii. The current charge is 17 cents per month per line, and the Commission has the authority to change the charge as deemed necessary, without having to receive any additional authorization from the legislature. The purpose of this RFS is to select a provider of TRS for a period of three years with provision for the Commission to continue the service for 2 additional years beyond the initial three-year period.

**3.3 Requirements.** The services must be provided 24 hours a day, for all 365 days a year. The Commission intends to maintain FCC certification for its services, so the provider must meet current FCC requirements for the types and quality of services provided. Future enhancements required by the FCC will also be met and/or the Commission may determine that enhancements not required by the FCC should be initiated. In either instance, this would likely result in negotiated price changes with the service provider. In the most recent calendar year, from January 1, 2002 to December 31, 2002, call volumes averaged 9,821 inbound calls per month and 52,200.39 billable call minutes. See Attachment 1.

#### **SECTION 4: STATEMENT OF WORK**

##### **4.1 Definitions:**

- 4.1.1.** *American Sign Language (ASL)*.. A visual language based on hand shape, position, movement and orientation of the hands in relation to each other and the body:
- 4.1.2.** *ASCII*. An acronym for American Standard Code for Information Interexchange which employs an eight bit code and can operate at any standard

transmission baud rate including 300, 1200, 2400, and higher.

- 4.1.3. *Baudot*. A seven bit code, only five of which are information bits. Baudot is used by some text telephones to communicate with each other at a 45.5 baud rate.
- 4.1.4. *Common carrier or carrier*. Any common carrier engaged in interstate communication by wire or radio as defined in section 3(h) of the Communications Act of 1934, as amended (the Act), and any common carrier engaged in intrastate communication by wire or radio, notwithstanding section 2(b) and 221(b) of the Act.
- 4.1.5. *Communications Assistant (CA)*. A person who transliterates or interprets conversation between two end users of TRS. CA supersedes the term "TDD operator."
- 4.1.6. *Hearing carry over (HCO)*. A reduced form of TRS where the person with the speech disability is able to listen to the other end user and, in reply, the CA speaks the text as typed by the person with the speech disability. The CA does not type any conversation.
- 4.1.7. *Telecommunications relay services (TRS)*. Telephone transmission services that provide the ability for an individual who has a hearing or speech disability to engage in communication by wire or radio with a hearing individual in a manner that is functionally equivalent to the ability of an individual who does not have a hearing or speech disability to communicate using voice communication services by wire or radio. Such term includes services that enable two-way communication between an individual who uses a text telephone or other nonvoice terminal device and an individual who does not use such a device, speech-to-speech services, video relay services and non-English relay services. TRS supersedes the term "dual party relay system," "message relay services," and "TDD Relay."
- 4.1.8. *Text telephone (TTY)*. A machine that employs graphic communication in the transmission of coded signals through a wire or radio communication

system. TTY supersedes the term "TTD" or "telecommunications device for the deaf," and TT.

- 4.1.9 Voice carry over (VCO). A reduced form of TRS where the person with the hearing disability is able to speak directly to the other end user. The CA types the response back to the person with the hearing disability. The CA does not voice the conversation.
- 4.1.10 Speech-to-Speech relay service (STS). A telecommunications relay service that allows people with speech disabilities to communicate with voice telephone users through the use of specially trained CAs who understand the speech patterns of persons with disabilities and can repeat the words spoken by that person.
- 4.1.11 Video relay service (VRS). A telecommunications relay service that allows people with hearing or speech disabilities who use sign language to communicate with voice telephone users through video equipment. The video link allows the CA to view and interpret the parties signed conversation and relay the conversation back and forth with a voice caller.
- 4.1.12 Non-English language relay service. A telecommunications relay service that allows persons with hearing or speech disabilities who use languages other than English to communicate with voice telephone users in a shared language other than English, through a CA who is fluent in that language.
- 4.1.13 Qualified interpreter. An interpreter who is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.

**4.2 Subcontractors:** Planned use of subcontractors shall be clearly explained in the proposal, including the terms of any subcontract. However, the selected service provider shall be responsible for provision of the service whether or not subcontractors are used. Current employees of the State of Hawaii may not participate as subcontractors of the provision of TRS.

**4.3 Compliance:** All service providers will submit positive statements with respect to their willingness to comply with all work requirements and the terms and conditions specified in this RFS. The Telecommunications Relay System must meet all requirements necessary for certification by the FCC; therefore, if any of the following requirements conflict with current FCC certification requirements, the FCC requirements shall prevail. All service providers will clearly describe and explain any proposed deviations from or changes to the RFS requirements for consideration by the Commission. The Commission reserves the right to reject any proposal including such deviations or changes.

**4.4 Employment of State Personnel.** The service provider shall not knowingly engage, on a full-time, part time or other basis during the period of the service, any individual involved in the preparation of RFS, or the selection and/or award of the service.

**4.5 Payment.** No more than fifteen days after the close of each month, the service provider will submit a report to the Commission detailing the previous month's work. Then, the Commission, within thirty (30) days of receipt of said report, will authorize or determine a date the provider is authorized to withdraw payment from the TRS account or fund. Total reimbursement shall not exceed the total fixed bid per minute price.

**4.6 Operational Standards.**

**4.6.1 Communications Assistants (CA).** TRS providers are responsible for requiring that CAs be sufficiently trained to effectively meet the specialized communications needs of individuals with hearing or speech disabilities; and that CAs have competent skills in typing, grammar, spelling, interpretation of typewritten ASL, and familiarity with hearing and speech disability culture, languages and etiquette. CAs must possess clear and articulate voice communications. CAs must provide a typing speed of a minimum of 60 words per minute. Technological aids may be used to reach the required typing speed. Providers must give oral-to-type tests of CA speed. TRS providers are responsible for requiring that VRS CAs are qualified interpreters. A "qualified interpreter" is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.



**4.6.2 Confidentiality and Conversation Content.** Except as authorized by section 705 of the Communications Act, 47 U.S.C. § 605, CAs are prohibited from disclosing the content of any relayed conversation regardless of content, and with a limited exception for STS CAs, from keeping records of the content of any conversation beyond the duration of a call, even if to do so would be inconsistent with state or local law. STS CAs may retain information from a particular call in order to facilitate the completion of consecutive calls, at the request of the user. The caller may request the STS CA to retain such information, or the CA may ask the caller if he wants the CA to repeat the same information during subsequent calls. The CA may retain the information only for as long as it takes to complete the subsequent calls. CAs are prohibited from intentionally altering a relayed conversation and, to the extent that it is not inconsistent with federal, state or local law regarding use of telephone company facilities for illegal purposes, must relay all conversations verbatim unless the relay user specifically requests summarization, or if the user requests interpretation of an ASL call. An STS CA may facilitate the call of an STS user with a speech disability so long as the CA does not interfere with the independence of the user, the user maintains control of the conversation, and the user does not object. Appropriate measures must be taken by relay providers to ensure that confidentiality of VRS users is maintained.

**4.6.3 Types of Calls.** Consistent with the obligations of common carrier operators, CAs are prohibited from refusing single or sequential calls or limiting the length of calls utilizing relay services. TRS shall be capable of handling any type of call normally provided by common carriers and the burden of proving the infeasibility of handling any type of call will be placed on the carriers. Providers of TRS are permitted to decline to complete a call because credit authorization is denied.